

## **EXHIBIT B**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

AFTER II MOVIE, LLC, ET AL.,

Plaintiffs,

v.

GRANDE COMMUNICATIONS  
NETWORKS, LLC,

Defendant.

No. 1:21-cv-00709-RP

**[PROPOSED] THIRD AMENDED JOINT SCHEDULING ORDER**

Pursuant to Federal Rule of Civil Procedure 16, the following Scheduling Order is issued by the Court:

1. A report on alternative dispute resolution in compliance with Local Rule CV-88 shall be filed on or by **January 19, 2024** *<In alternative if Grande refuses to make any offer>*.  
**The parties are excused from filing an alternative dispute resolution in compliance with Local Rule CV-88.**
2. Plaintiffs shall send Defendant a settlement order in writing by **October 13, 2023**.  
Defendant is ordered to respond in writing with its settlement offer by **October 27, 2023**.  
All offers of settlement are to be private, not filed. The parties are ordered to retain the written offers of settlement and responses so the Court may use them in assessing attorney's fees and costs at the conclusion of the trial.
3. All parties asserting claims for relief shall file their designation of testifying experts and serve on all parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before **November 6, 2023**. Parties resisting claims for relief shall file

their designation of testifying experts and serve on all parties, but not file, the materials required by Federal Rule of Civil Procedure 26(a)(2)(B) on or before **December 21, 2023**. All parties shall file all designations of rebuttal experts and serve on all parties the material required by Federal Rule of Civil Procedure 26(a)(2)(B) for such rebuttal experts, to the extent not already served, 20 days from the receipt of the report of the opposing expert.

4. Plaintiffs may file a supplemental expert report based upon documents received in discovery from Defendant after service of initial reports by **Feb. 2, 2024**.
5. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within **11 days** from the receipt of the written report of the expert's proposed testimony, or within **11 days** from the completion of the expert's deposition, if a deposition is taken, whichever is later.
6. The parties shall complete all discovery on or before **January 5, 2024**.
7. All dispositive motions shall be filed on or before **February 5, 2024** and shall be limited to 20 pages. Responses shall be filed and served on all other parties not later than 14 days after the service of the motion and shall be limited to 20 pages. Any replies shall be filed and served on all other parties not later than 7 days after the service of the response and shall be limited to 10 pages, but the Court need not wait for the reply before ruling on the motion. Each side is limited to one dispositive motion.
8. The Court will set this case for final pretrial conference at a later time. The final pretrial conference shall be attended by at least one of the attorneys who will conduct the trial for

each of the parties and by any unrepresented parties. The parties should consult Local Rule CV-16(e) regarding matters to be filed in advance of the final pretrial conference.

9. This case is set for \_\_\_\_\_ Jury \_\_\_\_\_ trial commencing at 9:00 a.m. on \_\_\_\_\_  
\_\_\_\_\_ April 15, 2024 \_\_\_\_\_. By filing an agreed motion, the parties may request that this Court extend any deadline set in this Order, with the exception of the dispositive motions deadline and the trial date. The Court may impose sanctions under Federal Rule of Civil Procedure 16(f) if the parties do not make timely submissions under this Order.

SIGNED on \_\_\_\_\_, 20\_\_\_\_.

---

ROBERT PITMAN  
UNITED STATES DISTRICT JUDGE

/s/ Kerry S. Culpepper

Kerry S. Culpepper  
CULPEPPER IP, LLC  
75-170 Hualalai Road, Suite B204  
Kailua-Kona, Hawaii 96740  
Telephone: (808) 464-4047  
Facsimile: (202) 204-5181  
E-Mail: kculpepper@culpepperip.com  
Attorney for Plaintiffs

By: xxx

Richard L. Brophy\*  
Zachary C. Howenstine\*  
Kyle G. Gottuso\*  
Angela B. Kennedy\*  
Margaret R. Szewczyk\*  
Sydney K. Johnson\*  
ARMSTRONG TEASDALE LLP  
7700 Forsyth Blvd., Suite 1800  
St. Louis, Missouri 63105  
(314) 621-5070  
rbrophy@atllp.com  
zhowenstine@atllp.com  
kgottuso@atllp.com  
akennedy@atllp.com  
mszewczyk@atllp.com  
skjohnson@atllp.com  
\*Admitted Pro Hac Vice

Jacqueline P. Altman  
John P. Palmer  
NAMAN HOWELL SMITH & LEE  
400 Austin Avenue, Suite 800  
Waco, TX 76701  
254-755-4344  
Fax: 254-754-6331  
jaltman@namanhowell.com  
palmer@namanhowell.com  
*Attorneys for Defendant Grande  
Telecommunications Networks LLC*